

## Friend of the Court Cash Bond Guideline

A **cash bond** is described as payment of a specific amount of money to the Court to secure future support payments.

The Friend of the Court shall consider petitioning for a cash bond in a case if **one** of the following conditions are present:

- a) The support payer's past performance shows they could not be relied upon to keep support payments current. A payer is considered unreliable if the payment history indicates an arrearage existed of \$1,000 or an amount equal to 26 weeks of the court-ordered support, whichever is less.
- b) The support payer's past performance shows that they could not be relied upon to keep support payments current and the payer has threatened to leave Michigan or threatened to sell assets to avoid the payment of future support.

Before the Friend of the Court can petition the Court for a cash bond, the payee or payer of support must provide the Friend of the Court with the following information:

- a) The source of cash available to the support payer.
- b) Address of the source of cash available to the support payer.

The Friend of the Court shall provide a copy of the Guideline upon request to a support payer or payee.

# Procedures for Implementation of Cash Bond Guideline

The Michigan Support and Visitation Enforcement Act, specifically MCLA 552.625, provides the Courts with the option of setting a cash bond for the purpose of ensuring the payment of support in a domestic relations case. The following procedure and forms have been developed to facilitate the implementation of this provision.

After receipt of the required information from the payer or payee and a determination that the case qualifies based on the factors in the Cash Bond Guideline, the Friend of the Court shall:

1. Prepare a petition requesting the posting of a cash bond. FOC Form 40 is designed for this purpose.
  - a) The Friend of the Court must include a request for a specific amount to be ordered in the petition.
2. Schedule a hearing date and serve the Petition and Notice of Hearing by ordinary mail upon both parties at their last known address. File the original petition with the Circuit Court.
3. If the Court orders a payer to post a bond, prepare Order Requiring Bond. FOC Form 41 is designed for this purpose.

**NOTE: The Bond Order includes conditions of the bond so the payer is informed of the condition(s) which must be met to avoid forfeiture of their money.**

4. Distribute the Bond Order
  - a) Original filed with the Circuit Court.
  - b) Provide second and third copies of order to both parties by ordinary mail.
5. The payer pays the bond and signs a cash bond form. The Friend of the Court indicates amount received and signs the bond form. FOC 42 is designed for this purpose.

**NOTE: On Cash Bond form, the Friend of the Court should restate the condition(s) of the bond as ordered by the Court.**

6. When the Friend of the Court seeks to either release the bond (because reasons for bond no longer exist) or requests forfeiture of the bond (because payer did not meet conditions of the bond), the Friend of the Court must file a petition to release or forfeit bond. FOC Form 43 is designed for this purpose.
7. If the Court orders the release or forfeiture of the bond, prepare Order Releasing or Forfeiting Bond. FOC Form 44 is designed for this purpose.
8. Distribute the Order to Release or Forfeit Bond.
  - a) Original to be filed with the Circuit Court.
  - b) Provide second and third copies of the order to both parties by ordinary mail.